



May 8, 2007

Ex Parte Presentation

Via Electronic Submission

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

*Re: Amendment of the Commission's Part 90 Rules in
the 904-909.75 and 919.75-928 MHz Bands, WT
Docket 06-49*

Dear Ms. Dortch:

Progeny LMS, LLC ("Progeny") responds to the letter dated May 2, 2007, by Trey Hanbury of Sprint Nextel Corporation.¹

Progeny is a Multilateration-Location and Monitoring Service (M-LMS) licensee and has been active in the above-referenced proceeding. In response to certain concerns, Progeny has recently met with many of the same officials listed in the Sprint Nextel Letter and made proposals to assist sharing between licensed operations and unlicensed operations in the same band.² Progeny's proposals reduce or eliminate the potential for interference by voluntarily restricting M-LMS devices to power limits very similar to those of Part 15 devices.³

ADVANCED IDEAS
IN COMMUNICATIONS

¹ See Notice of Ex Parte Presentation, Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands, WT Docket No. 06-49, Sprint Nextel Corporation, May 2, 2007. ("Sprint Nextel Letter").

² See, e.g., Ex Parte Filing, Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands, WT Docket No. 06-49, Progeny LMS, LLC, April 3, 2007.

³ Id.



- Progeny has demonstrated through measurements that the M-LMS spectrum (specifically, C Block) is occupied less than one percent of the time.⁴
- Progeny's proposed rules will allow co-existence of multiple services and efficient use of the 902-928 MHz band.
- Progeny stands willing to provide open access to public safety users in times of emergency, unlike proprietary systems such as Direct Connect.
- Concerns raised in the Sprint Nextel letter related to interference, front-end overload and intermodulation are misplaced:
 - Progeny has proposed that M-LMS mobile devices operate at the same power level and power spectral density (PSD) as Part 15 devices. The only exception is during emergencies or when actually performing a multilateration pursuant to the existing rules. Therefore, the interference potential of M-LMS devices is no greater than any other Part 15 devices.
 - Progeny has committed that it will employ closed loop power control. Doing so ensures that base stations transmit at the minimum power level required to complete the communications link with the terminal device, thereby enabling its base stations often to operate below the allowed power limit.

The Sprint Nextel Letter comes almost a year after Comments were due in the above-referenced proceeding.⁵ Progeny respectfully submits that the Commission should not allow unlicensed entities to achieve, through procedural delay, the

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⁴ See, e.g., Ex Parte Filing, 902-928 MHz Spectrum Utilization Study, Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands, WT Docket No. 06-49, Progeny LMS, LLC, March 14, 2007.

⁵ Comments were due May 30, 2006 and Reply Comments were due June 30, 2006. See Notice of Proposed Rulemaking, Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands, WT Docket No. 06-49, March 1, 2006.

protection afforded to licensees and urges the Commission to resolve this proceeding as expeditiously as possible.

In accordance with Section 1.1206(b) of the Commission's Rules, please accept this electronic filing for submission. Should you have any questions or concerns in connection with this submission, please contact me at (202) 371-2800.

Sincerely,

A handwritten signature in cursive script, reading "Janice Obuchowski". The signature is written in black ink on a light-colored background.

Janice Obuchowski

CC: Julius Knapp
Ron Chase
Hugh L. Van Tuyl
Karen Rackley
Geraldine Matise
Saurbh Chhabra
Ahmed Lahjouji